

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1580

Introduced by Assembly Member La Malfa

February 23, 2007

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1580, as amended, La Malfa. Scott and Shasta Valley Watermaster District.

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the Scott and Shasta Valley Watermaster District. The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to owners of certain other eligible parcels that are a place of use for water rights under a specified decree for which the

department is not the watermaster. By imposing duties on Siskiyou County in connection with the operation of the district, the bill would impose a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Scott and Shasta Valley Watermaster District Act. It is intended
3 to supplement the Water Code and reads as follows:

4
5 SCOTT AND SHASTA VALLEY WATERMASTER
6 DISTRICT ACT

7
8 Article 1. Creation
9

10 101. This act shall be known and may be cited as the Scott and
11 Shasta Valley Watermaster District Act.

12 102. (a) A watermaster district is hereby created in Siskiyou
13 County to be known as the Scott and Shasta Valley Watermaster
14 District.

15 (b) The district shall be governed by a board of directors as
16 specified in Section 401, shall have boundaries as prescribed in
17 Section 201, and shall exercise the powers granted by this act for
18 purposes of acting as watermaster over those decreed water rights
19 whose places of use are within the Scott and Shasta Valleys and

1 for which the Superior Court for the County of Siskiyou has
2 appointed the district as the watermaster, together with other
3 powers and duties that are granted by this act or reasonably implied
4 and necessary and proper to carry out the purposes of the district,
5 including, but not limited to, any power authorized by the court
6 which appoints the district as watermaster.

7 (c) The Legislature hereby finds and declares that the cost
8 effective and responsible enforcement of existing decreed water
9 rights within the Scott and Shasta Valleys is in the public interest,
10 and that the creation of a watermaster district that can serve in that
11 capacity after proper appointment by the Superior Court for
12 Siskiyou County is for the common benefit of the owners of those
13 decreed water rights within the Scott and Shasta Valleys and for
14 the protection of agricultural and economic productivity.

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16 Article 2. Boundaries

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18 201. For the purposes of this act, all of the following territory
19 is included in the Scott and Shasta Valley Watermaster District:

- 20 _____.
- 21 202. The district is divided into the following service areas:
- 22 (a) Scott Valley Service Area.
 - 23 (b) Shasta Valley Service Area.
- 24

25 Article 3. Definitions

26
27 301. Unless otherwise indicated by their context, the definitions
28 set forth in this article govern the construction of this act.

29 302. “Appointed decree” means a decree for which the district
30 is appointed the watermaster by the court.

31 303. “Appointed parcel” means a parcel of real property within
32 the district that is a place of use for water rights under an appointed
33 decree.

34 304. “Board of directors” or “board” means the board of
35 directors of the district.

36 305. “Contracted parcel” means an eligible parcel whose owner
37 has entered into a contract with the district to provide watermaster
38 service for that parcel.

39 306. “County” means Siskiyou County.

1 307. "Court" means the Superior Court for the County of
2 Siskiyou.

3 308. "Decree" or "decrees" means any water right decree,
4 entered by the court, which adjudicates water rights within the
5 county in which the decreed points of diversion are within the
6 Scott or Shasta Valleys in the county.

7 309. "Department" means the Department of Water Resources.

8 310. "District" means the Scott and Shasta Valley Watermaster
9 District.

10 311. "Eligible parcel" means a parcel of real property within
11 the district that is a place of use for water rights under a decree
12 that is not an appointed decree, and for which the department is
13 not the watermaster.

14 312. "Fund" means the fund designated by the court, or by the
15 district in the absence of a designation by the court, into which
16 charges levied by the district shall be paid by the county upon
17 collection.

18 313. "Owner" means a person who is an owner of a parcel of
19 real property within the district that is a place of use for water
20 rights under a district.

21 314. "Person" means any state or local governmental agency,
22 private corporation, firm, partnership, individual, group of
23 individuals, or, to the extent authorized by law, any native tribe
24 or federal agency.

25 315. "Scott Valley" means that portion of the district generally
26 drained by the Scott River.

27 316. "Shasta Valley" means that portion of the district generally
28 drained by the Shasta River.

29 317. "Voter" means an owner of an appointed or contracted
30 parcel.

31 32 Article 4. General Provisions 33

34 401. (a) The board of directors shall govern the district and
35 shall exercise the powers of the district as set forth in this act.

36 (b) Except as specified in subdivision (g), the board of directors
37 of the district shall consist of seven members, as follows:

38 (1) Two elected members who shall be voters owning appointed
39 or contracted parcels within the Scott Valley Service Area. These

1 members shall be elected at large from the Scott Valley Service
2 Area.

3 (2) Three elected members who shall be voters owning
4 appointed or contracted parcels within the Shasta Valley Service
5 Area. These members shall be elected at large from the Shasta
6 Valley Service Area.

7 (3) Two members appointed by the Siskiyou County Board of
8 Supervisors. These members shall be residents of the county and
9 shall not be voters.

10 (c) A quorum of the board of directors shall be four members.
11 A majority of affirmative votes of the full membership of the board
12 shall be required to take an action.

13 (d) (1) Three members of the first board, as described in
14 subdivision (b), shall serve terms of two years. Of these members,
15 one member shall be appointed by the Siskiyou County Board of
16 Supervisors, one member shall be elected from the Scott Valley
17 Service Area, and one member shall be elected from the Shasta
18 Valley Service Area. The three members who serve two-year terms
19 shall be determined by lot, in accordance with this paragraph, at
20 the first meeting of the board following the election or appointment
21 of board members pursuant to subdivision (b).

22 (2) Except as provided in paragraph (1) and subdivision (g),
23 each board member shall serve a four year term.

24 (3) Members of the board of directors may be reelected or
25 reappointed.

26 (e) Except as otherwise provided in this act, the Uniform District
27 Election Law (Part 4 (commencing with Section 10500) of Division
28 10 of the Elections Code) shall apply to elections within the district.

29 (f) Any vacancy on the board shall be filled by appointment by
30 a majority of remaining directors as provided in Section 1780 of
31 the Government Code. An appointment to fill a vacancy on the
32 board shall be for the unexpired portion of the term of the office
33 in which the vacancy occurs.

34 (g) The Siskiyou County Board of Supervisors shall appoint
35 five interim board members to serve until the board members
36 described in subdivision (b) are elected or appointed. The interim
37 board members shall be owners whose watermaster at the time of
38 their appointment is the department. Three of the interim board
39 members shall be owners in the Shasta Valley, and two shall be
40 owners in the Scott Valley.

1 402. (a) For parcels with multiple owners, the owners shall
2 designate in writing to the district, in accordance with a timetable
3 established by the district, a voter from among their number for
4 voting purposes.

5 (b) If applicable, the owners shall designate in writing, in
6 accordance with a timetable established by the district, a legal
7 representative who shall be entitled to execute a proxy vote on
8 their behalf.

9 403. A voter may vote at any district election either in person
10 or by a person duly appointed as his or her proxy. A proxy vote
11 may be executed by a legal representative or by a single owner
12 designated pursuant to Section 402.

13 404. Prior to taking office, each director shall take the official
14 oath and execute any bond that may be set by the board.

15 405. The board shall elect a chairperson and vice chairperson
16 from among its members as follows:

17 (a) At the first meeting of the interim board members appointed
18 pursuant to subdivision (g) of Section 401.

19 (b) At the first meeting of the board members selected pursuant
20 to subdivision (b) of Section 401.

21 (c) At the first annual meeting each year following the meeting
22 described in subdivision (b).

23 406. Meetings of the board shall be held pursuant to the Ralph
24 M. Brown Act (Chapter 9 (commencing with Section 54950) of
25 Part 1 of Division 2 of Title 5 of the Government Code).

26 407. The provisions of this act are severable. If any provision
27 of this act or its application is held invalid, that invalidity shall not
28 affect other provisions or applications that can be given effect
29 without the invalid provision or application.

30 Article 5. Powers and Duties

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33 501. The district shall serve as the watermaster for any
34 appointed decree, including, but not limited to, taking specific
35 actions ordered by the court in the administration of that decree
36 or decrees.

37 502. (a) In carrying out its duties as watermaster, the district
38 shall have the powers and duties that are set forth as powers and
39 duties of the department in Part 4 (commencing with Section 4000)

1 of Division 2 of the Water Code, except as modified by the court,
2 and as follows:

3 (1) References to the department in that part shall be deemed
4 to be references to the district.

5 (2) References to the Water Resources Revolving Fund in that
6 part shall be deemed to be references to the fund.

7 (b) Charges levied by the district shall comply with Article XIII
8 C and Article XIII D of the California Constitution.

9 503. The district may enter into agreements to provide
10 watermaster service to owners of eligible parcels where all owners
11 of an eligible parcel have executed the agreement. An agreement
12 to provide watermaster services to an eligible parcel shall include
13 a provision that the owners agree to pay in full for the service prior
14 to the provision of service. The amount to be paid shall be
15 determined to ensure that the provision of the watermaster service
16 to contracted parcels does not increase the cost of the watermaster
17 service to appointed parcels.

18 504. The district may enter into contracts or employ staff to
19 provide watermaster service to appointed and contracted parcels.

20 SEC. 2. The Legislature finds and declares that this act, which
21 is applicable only to the Scott and Shasta Valley Watermaster
22 District, is necessary because of the unique and special water
23 problems in the area included in the district. It is, therefore, hereby
24 declared that a general law within the meaning of Section 16 of
25 Article IV of the California Constitution cannot be made applicable
26 to the district and the enactment of this special law is necessary for
27 the conservation, development, control, and use of that water for
28 the public good.

29 ~~SEC. 3. If the Commission on State Mandates determines that~~
30 ~~this act contains costs mandated by the state, reimbursement to~~
31 ~~local agencies and school districts for those costs shall be made~~
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
33 ~~4 of Title 2 of the Government Code.~~

34 *SEC. 3. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *a local agency or school district has the authority to levy service*
37 *charges, fees, or assessments sufficient to pay for the program or*

- 1 *level of service mandated by this act, within the meaning of Section*
- 2 *17556 of the Government Code.*

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